



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING September 29, 2009 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the joint meeting of the Council and Redevelopment Agency to order at 2:00 p.m. (The Ordinance Committee met at 11:00 a.m. The Finance Committee met at 1:00 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Mayor Blum.

Councilmembers absent: Dale Francisco, Das Williams.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Brenda Alcazar.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring September 28, 2009, As Family Day (120.04)

Action: Proclamation presented to Jennifer Cabrera on behalf of Santa Barbara's Fighting Back Coalition and the Council on Alcoholism and Drug Abuse.

PUBLIC COMMENT

Speakers: David Daniel Diaz, Hans Kistner.

CONSENT CALENDAR (Item Nos. 2 – 8 and 11 - 14)

The titles of the ordinance and resolutions related to Item Nos. 5 and 6 were read.

Councilmember Williams entered the meeting at 2:07 p.m.

Motion:

Councilmembers Horton/House to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote (Absent: Councilmember Francisco).

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meeting of September 8, 2009, the regular meeting of September 8, 2009 (cancelled), and the regular meeting of September 15, 2009.

Action: Approved the recommendation.

3. Subject: Fiscal Year 2010 Interim Financial Statements For The Month Ended July 31, 2009 (250.02)

Recommendation: That Council accept the Fiscal Year 2010 Interim Financial Statements for the Month Ended July 31, 2009.

Action: Approved the recommendation (September 29, 2009, report from the Interim Finance Director).

4. Subject: August 2009 Investment Report (260.02)

Recommendation: That Council accept the August 2009 Investment Report.

Action: Approved the recommendation (September 29, 2009, report from the Interim Finance Director).

5. Subject: Adoption Of Mills Act Historic Preservation Incentive Ordinance (640.06)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 22.22 of the Municipal Code to Establish a Process for Historic Property Preservation Contracts Between the Owners of City Historic Properties and the City Pursuant to the Authority of the State Mills Act.

Action: Approved the recommendation; Ordinance No. 5501.

6. Subject: Introduction Of Ordinance And Resolutions For The 2030 Las Canoas Road Annexation (680.04)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Chapter 28.12 (Zone Map) of Title 28 of the Municipal Code Pertaining to the Zoning of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 located at 730 Las Canoas Place;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Requesting Initiation of Proceedings for a Reorganization of Boundaries, Annexation to the City of Santa Barbara, and Detachment from the Santa Barbara County Fire Protection District, for Certain Real Property Presently Located at 2030 Las Canoas Road, Assessor's Parcel Number 021-010-061;
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the General Plan Map of the City of Santa Barbara Pertaining to the Designation of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 Located at 730 Las Canoas Place; and
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Amending the Hillside Design District Map of the City of Santa Barbara Pertaining to the Designation of Certain Real Property Upon Annexation to Assessor's Parcel Number 021-030-039 Located at 730 Las Canoas Place.

Action: Approved the recommendations; Resolution Nos. 09-079 - 09-081 (September 29, 2009, report from the Community Development Director; affidavit of publication; proposed ordinance; proposed resolutions).

7. Subject: Fiscal Year 2009 Community Development Block Grant Reprogrammed Capital Funding Recommendations (610.05)

Recommendation: That Council:

- A. Approve the funding recommendations of the Community Development and Human Services Committee (CDHSC) for Fiscal Year 2009 Community Development Block Grant (CDBG) reprogrammed capital funds in the amount of \$150,000; and
- B. Authorize the Community Development Director to negotiate and execute agreements implementing the funding recommendations, subject to the review and approval of the City Attorney.

Action: Approved the recommendations; Agreement Nos. 23,199 - 23,202 (September 29, 2009, report from the Community Development Director).

8. Subject: State Of California Office Of Traffic Safety Grant (520.04)

Recommendation: That Council:

- A. Accept the State of California Office of Traffic Safety Grant of \$194,855 for a driving under the influence (DUI) alcohol enforcement and education program, and authorize the Chief of Police to execute the grant agreement; and
- B. Appropriate the grant allocation of \$194,855 to the Miscellaneous Grants Fund.

Action: Approved the recommendations; Agreement No. 23,203 (September 29, 2009, report from the Police Chief).

Item Nos. 9 and 10 appear in the Redevelopment Agency minutes.

NOTICES

- 11. The City Clerk has on Thursday, September 24, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
- 12. Receipt of correspondence advising of the resignation of Access Advisory Committee member James Marsten and Historic Landmarks Commissioner Kenneth Curtis; the vacancies will be included in the current advisory group recruitment.
- 13. City Advisory Groups Recruitment
 - A. The City Clerk's Office will accept applications through Friday, October 23, 2009, at 5:00 p.m., to fill scheduled vacancies on various City Advisory Groups, and the unscheduled vacancies resulting from resignations received in the City Clerk's Office through Wednesday, October 7, 2009;
 - B. The City Council will conduct interviews of applicants for vacancies on various City Advisory Groups on Tuesday, November 10, 2009, at 4:00 p.m. (Estimated Time), Tuesday, November 17, 2009, at 6:00 p.m., and Tuesday, November 24, 2009, at 4:00 p.m.;
 - C. The City Council Subcommittee will conduct interviews of applicants for the Franklin Center, Lower Westside Center and Westside Center Advisory Committees, and applicants for the Downtown Neighborhood position on the Community Development & Human Services Committee on Thursday, November 12, 2009, at 7:00 p.m. at the Westside Community Center, 423 W. Victoria Street; and
 - D. The City Council will make appointments to fill vacancies on various City Advisory Groups on Tuesday, December 15, 2009.
- 14. A City Council site visit is scheduled for Monday, October 5, 2009, at 1:30 p.m. to the property located at 2105 Anacapa Street, which is the subject of an appeal hearing set for October 6, 2009, at 2:00 p.m.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to continue discussion on the Medical Cannabis Dispensary Ordinance, and stated that the Committee will need to meet at least one more time before forwarding recommendations to Council.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger L. Horton reported that the Committee met to discuss the Interim Financial Statements for both the City and Redevelopment Agency, and the August 2009 Investment Report, all of which were approved by the Council and Redevelopment Agency Board as part of this agenda's Consent Calendar, Item Nos. 3, 10, and 4, respectively.

Councilmember Francisco entered the meeting at 2:11 p.m.

Item No. 15 appears in the Redevelopment Agency minutes.

RECESS

3:24 p.m. - 3:33 p.m. Councilmembers Falcone, House and Williams were absent when the Council reconvened.

REDEVELOPMENT AGENCY REPORTS

16. Subject: Contract For Construction For The Carrillo Recreation Center Rehabilitation Project (570.07)

Recommendation:

- A. That the Redevelopment Agency (Agency) Board authorize the expenditure of \$4,736,970 from the Agency's Carrillo Recreation Center Rehabilitation Project accounts in the 2001A Bond Fund, 2003A Bond Fund, and the Agency's General Capital Projects Fund, to fund the construction of the Carrillo Recreation Center Rehabilitation Project (Project), including construction, construction support, Leadership in Energy and Environmental Design (LEED) commissioning, inspection, materials testing, furniture allocation, staff time, and other items;
- B. That Council reject the bid protests of McGillivray Construction, Inc. (McGillivray), and Frank Schipper Construction (Schipper), and award a contract to TASCOC Construction, Inc. (TASCOC), in their low bid amount for the base bid of \$3,060,905, for construction of the Project, Bid No. 3503;

(Cont'd)

16. (Cont'd)

- C. That Council authorize the Public Works Director to execute the contract for the base bid, and approve expenditures of up to \$612,181 to cover any cost increases from contract change orders;
- D. That Council authorize the Public Works Director to execute a contract with Kruger Bensen Ziemer Architects, Incorporated (KBZ), in the amount of \$196,000, for construction support and LEED administrative services, and approve expenditures of up to \$20,000 for extra services;
- E. That Council authorize the Public Works Director to execute a contract with AG Mechanical, Inc. (AG Mechanical), in the amount of \$62,800 to provide Enhanced LEED Commissioning, and approve expenditures of up to \$6,280 for extra services;
- F. That Council authorize the General Services Manager to issue a Purchase Order to Penfield & Smith (P&S), in the amount of \$229,625, to provide construction inspection services, and approve expenditures of up to \$23,000 for extra services;
- G. That Council authorize the General Services Manager to issue a Purchase Order to Fugro West, Inc. (Fugro), in the amount of \$37,899, to provide materials testing and special inspection services, and to approve expenditures of up to \$3,790 for extra services;
- H. That Council authorize the General Services Manager to issue a Purchase Order to Criterion Environmental (Criterion), in the amount of \$11,340, to monitor asbestos and lead paint abatement, and to approve expenditures of up to \$1,150 for extra services; and
- I. That Council authorize the General Services Manager to issue a Purchase Order to a contractor selected from a bid process in an amount not to exceed \$100,000 to complete landscaping for the Project.

Documents:

- September 29, 2009, joint report from the Community Development Director/Agency Deputy Director, the Public Works Director, and the Parks and Recreation Director.
- September 29, 2009, PowerPoint presentation prepared and made by Staff.

Council/Agency Member House returned to the meeting at 3:34 p.m. Council/Agency Member Falcone returned to the meeting at 3:35 p.m. Council/Agency Member Williams returned to the meeting at 3:40 p.m.

Speakers:

- Staff: Principal Civil Engineer Joshua Haggmark, Senior Recreation Supervisor Jason Bryan, City Administrator/Agency Executive Director James Armstrong, City Attorney/Agency Counsel Stephen Wiley.
- Member of the Public: Michael Self.

(Cont'd)

16. (Cont'd)

Motion:

Council/Agency Members House/Horton to approve the recommendations; City Council Contract No. 23,204 (Recommendation C), City Council Contract No. 23,205 (Recommendation D) and City Council Contract No. 23,206 (Recommendation E).

Vote:

Majority voice vote (Noes: Councilmember Williams).

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

COMMUNITY DEVELOPMENT DEPARTMENT

17. Subject: Amendments To Ordinance Concerning Undergrounding Utilities And Time Limits To Rebuild Nonconforming Properties Damaged Or Destroyed In Natural Disasters (530.07)

Recommendation: That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Section 22.38.050 of Santa Barbara Municipal Code Regarding Utility Undergrounding Requirements in Connection with Construction Projects and Amending Section 28.87.038 of the Municipal Code Regarding the Reconstruction of Nonconforming Buildings Damaged or Destroyed by Natural Disasters.

Documents:

- September 29, 2009, report from the Community Development Director.
- Proposed Ordinance.
- September 28, 2009, email communications from Niel Nathason and Margaret G. Banez.
- September 29, 2009, letter from Roy Harthorn.

The title of the ordinance was read.

Speakers:

- Staff: Building Inspector/Plan Check Supervisor Chris Hansen.
- Members of the Public: Blanche Tobin, Ruben Barajas, Roy Harthorn.

Motion:

Councilmembers Horton/Falcone to approve the recommendation.

Vote:

Unanimous voice vote.

RECESS

Mayor Blum recessed the meeting at 4:24 p.m. in order for the Council to reconvene in closed session for Item No. 18, and stated that no reportable action is anticipated.

CLOSED SESSIONS

18. Subject: Conference With Real Property Negotiators Regarding 319 West Haley Street (330.03)

Recommendation: That Council hold a closed session to consider instructions to its negotiators regarding the possible sale of property owned by the City, commonly known as 319 West Haley Street. Instructions to negotiators will direct staff regarding the price and terms of a possible sale of the City-owned parcel. Negotiations are held pursuant to the authority of Section 54956.8 of the Government Code. City Negotiators: Browning Allen, Transportation Manager; Don Irelan, Senior Real Property Agent; and Stephen P. Wiley, City Attorney, on behalf of the City of Santa Barbara, pursuant to the authority of Government Code Section 54956.8. Negotiating Parties: Pathpoint, Inc., which holds a right of first refusal over the parcel. Under Negotiation: Price and terms of payment of a possible sale.

Scheduling: Duration, 20 minutes; anytime

Report: None anticipated

Documents:

September 29, 2009, report from the Public Works Director.

Time:

4:25 p.m. - 4:40 p.m.

Councilmember Williams left the meeting at 4:35 p.m.

No report made.

ADJOURNMENT

Mayor Blum adjourned the meeting at 4:40 p.m. to Monday, October 5, 2009, at 1:30 p.m. to the property located at 2105 Anacapa Street.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA
CITY CLERK'S OFFICE

_____ ATTEST: _____	
MARTY BLUM MAYOR	BRENDA ALCAZAR, CMC DEPUTY CITY CLERK